



Voluntary Agricultural Districts 101

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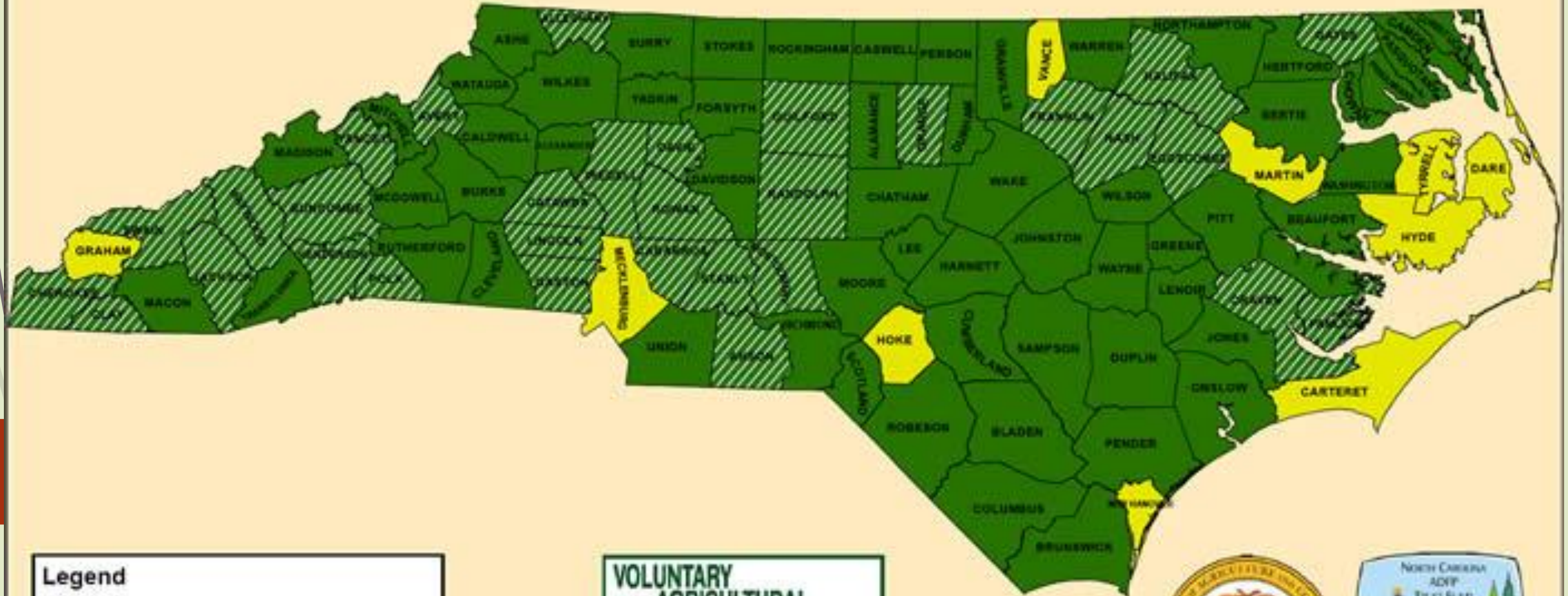




Voluntary Agricultural Districts Overview




- N.C. General Statutes Chapter 106, Article 61: The Farmland Preservation Enabling Act allows counties to adopt ordinances which provide for voluntary ag districts.
- § 106-738(b): The purpose of such agricultural districts shall be to increase identity and pride in the agricultural community and its way of life and to increase protection from nuisance suits and other negative impacts on properly managed farms.
- The VAD program is a county-level ordinance that establishes an Agricultural Advisory Board that provides a voice for farm, forestry and horticultural interests in local government.

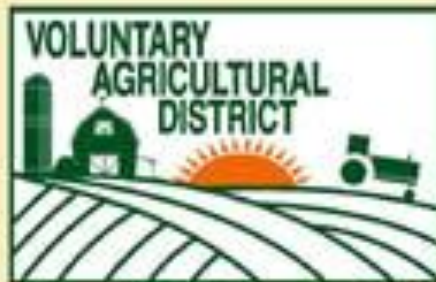
VOLUNTARY AGRICULTURAL DISTRICTS



Legend

90 Counties with VAD Programs

-  Voluntary Agricultural District Programs (59)
 -  Enhanced VAD Programs (31)
 -  None (10)
- Updated 11-22-19





VAD Statewide Statistics

| | |
|--|--------------|
| Farms Enrolled in the VAD Program | 9,529 |
| Acres of Farmland Enrolled | 782,423 |
| Farms Enrolled in the Enhanced VAD Program | 654 |
| Acres of Farmland Enrolled in the Enhanced VAD Program | 50,931 |
| Total Farms Enrolled in the VAD and EVAD Program | 10,183 |
| Total Acres of Farmland Enrolled in the VAD and EVAD Program | 833,354 |



Voluntary Agricultural Districts: Benefits of...

- Encourages the preservation and protection of farmland and working forests.
- Allows landowners to publicly recognize their farms.
- Establishes an Agricultural Advisory Board in the county.
- May protect farms from negative impacts, such as waivers of water and sewer assessments, and public hearings for proposed condemnation.
- Allows for Enhanced Voluntary Agricultural Districts to protect farms from development for 10 years.

VAD Benefits: §106-739

- Must be formed to comply with statute.
- Review and make recommendations concerning establishment and modification of:
 - agricultural districts
 - Ordinances/amendments adopted or proposed for adoption
- Advises Board of Commissioners on agricultural issues
- Runs VAD program (with assistance)
- Holds public hearings on projects affecting agriculture
- Each district must be represented on the Board
- Majority of the Board should be actively engaged in farming



VAD Benefits

- “A county or a city that has adopted an ordinance under this Part may provide by ordinance that its water and sewer assessments be held in abeyance, with or without interest, for farms, whether inside or outside of a VAD, until improvements on such property are connected to the water or sewer system for which the assessment was made.”
- The ordinance may provide that, when the period of abeyance ends, the assessment is payable in accordance with the terms set out in the assessment resolution.
- Statutes of limitations are suspended during the time that any assessment is held in abeyance without interest.
- Nothing in this section is intended to diminish the authority of counties or cities to hold assessments in abeyance.



§106-740. Public Hearings on Condemnation of Farm Land

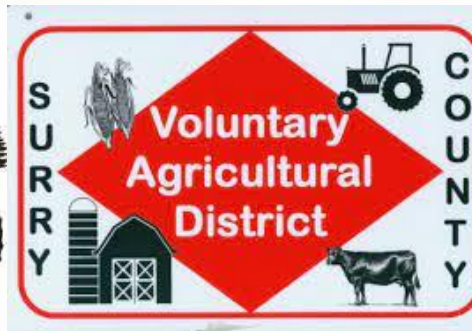
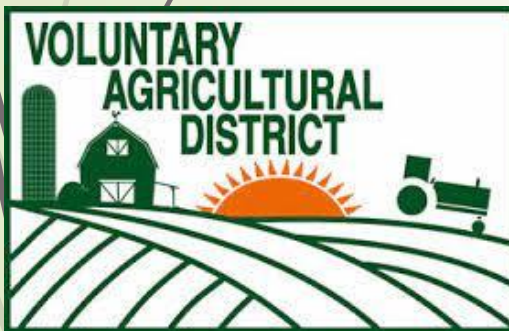
- "...may provide that no State or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a voluntary agricultural district under this Part or enhanced VAD under Part 3 of this Article until such agency has requested the local agricultural advisory board established under G.S. 106-739 to hold a public hearing on the proposed condemnation."



§106-740. Public Hearings on Condemnation of Farm Land

- The Ag Advisory Board submits written findings and a recommendation to the decision-making body of the agency proposing acquisition.
- Have 30 days after receiving a request to hold the public hearing and submit its findings and recommendations to the agency.
- The agency may not formally initiate a condemnation action while the action is being considered by the advisory board within these time limitations

- §106-741. Record notice of proximity to farmlands
County Geographic Information System (GIS) to notify the public of tracts or parcels ***within one-half mile of a voluntary agricultural district.***
 - Deed notation
 - Mapping
 - Signage





Qualifying Farmland

- To Qualify for inclusion in an Ag District, farmland must:
 - Meet definition of Agriculture from N.C.G.S. 106-581.1
 - Crops, horticulture, forestry
 - Livestock and dairy (includes poultry, horses, and bees)
 - Aquaculture
 - Agritourism and value-added operations for items produced on the farm
 - Public or private grain warehouse operation
 - General farm operations
 - Managed in accordance with NRCS practices for highly erodible land
 - Subject to a 10-year Conservation Agreement



Qualifying Farmland

➤ **Minimum Acreage Requirement**

- County Commissioners set minimum required acres.
- May require one or more farms

➤ **Conservation Agreement**

- Landowner agrees to the land only for farm purposes for next 10 years.
- Allows creation of up to three residential lots
- Freely revocable by landowner upon written notice to the County
- May be recorded

Enhanced VAD Programs

- **Requires a 10 year irrevocable Conservation Agreement - Must be recorded**
- **Automatically renews for 3 years after the initial period unless notice is given by the landowner**
- **§106-743.5. Waiver of utility assessments**
 - All assessments for utilities provided by that county or city are held in abeyance, with or without interest, for EVAD farms.
 - Similar provisions as for VAD's and the waiver of water and sewer assessments.
- **Offers additional benefits to the landowner:**
 - May sell nonfarm products without losing zoning exemption.
 - 90% cost share
 - EVAD may receive priority consideration for grants.



Ag District Programs

Advantages

- Completely Voluntary
- Flexible - counties may add other programs to be run by Ag Advisory Board for the Districts

Limitations

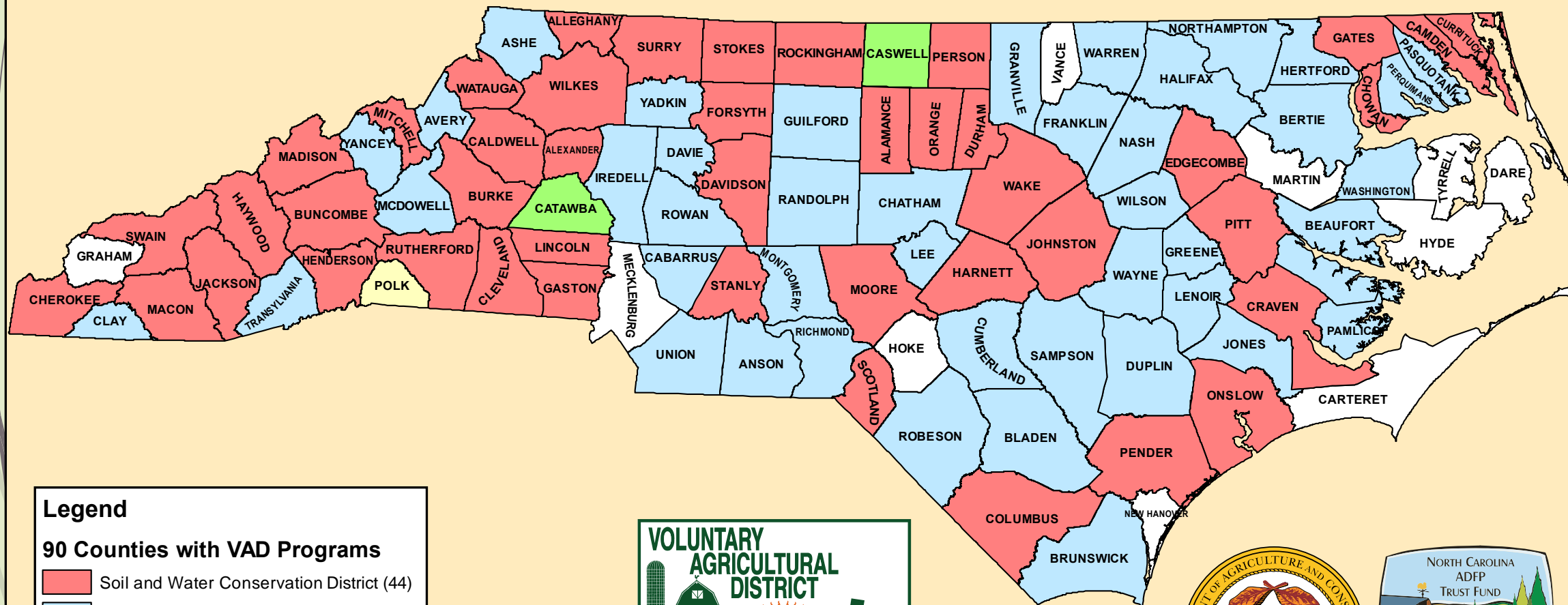
- Protection against nuisance suits is not absolute
- It's not uniform statewide



Adopting a VAD Ordinance

- Stakeholder meetings
- Support from county leadership, county agencies, private and nonprofit partners, and farmers and landowners.
- Development of VAD ordinance
 - Model ordinances are available
- Approval from County Manager and County Attorney
- Passage by County Board of Commissioners

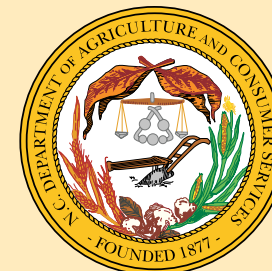
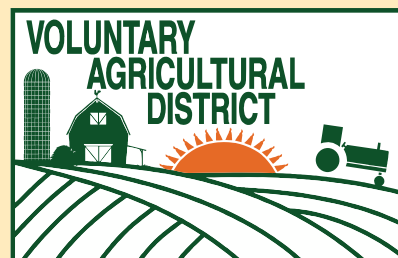
VOLUNTARY AGRICULTURAL DISTRICTS BY ADMINISTRATIVE ENTITY



Legend

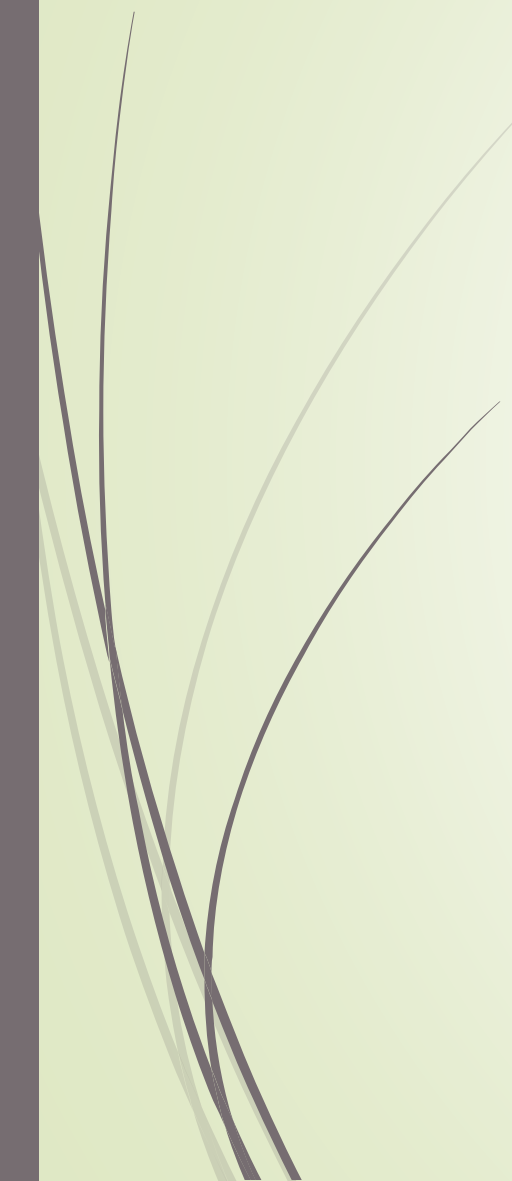
90 Counties with VAD Programs

- Soil and Water Conservation District (44)
 - Cooperative Extension (43)
 - Planning Department (2)
 - Agricultural Economic Development (1)
 - No VAD Program (10)
- Updated 10-26-20





Administration of a County VAD Program

- Recruit landowners to the program.
 - Meet with your AAB regularly.
 - Monitor goal achievement.
 - Submit annual report on time.
 - Communicate with county leaders.
 - Communicate the accomplishments of your VAD!
 - Monitor and communicate needs of your VAD.
 - Maintain a list of potential AAB members.
- 



Duties of Advisory Boards

- Review applications of landowners for enrollment.
- Make recommendations to County Commissioners – the establishment, additions and modifications to Districts.
- Conduct public hearings when an issue is likely to have an impact on agriculture, particularly if it involves condemnation of all or part of any qualifying farmland.
- Advise the Board of Commissioners on projects, programs, or issues affecting agriculture, horticulture, or forestry activities that affect Districts.
- Other tasks as assigned.

Establishing and Maintaining an Advisory Board

- Start with “*who will benefit from participation?*”
- Who will help the Board be effective?
 - Influence



Steps to Enroll in the VAD Program

| Action | Responsibility |
|---|----------------|
| Request Enrollment | |
| Complete Application | Enrollee |
| <ul style="list-style-type: none">• Certify Engaged in Ag under NC GS 106-581.1 | Enrollee |
| <ul style="list-style-type: none">• Agree to prohibit nonfarm use for 10 years | Enrollee |
| <ul style="list-style-type: none">• Certify location in unincorporated area of County Or in municipality with VAD MOU | Enrollee |
| <ul style="list-style-type: none">• Complete Draft Conservation Agreement | Enrollee |
| <ul style="list-style-type: none">• Deposit of Filing Fee | Enrollee |
| Verification of applicability and compliance | AG Agent |
| <ul style="list-style-type: none">• Forward application, Conservation Agreement and memo, indicating compliance with regulations to, County Ag Advisory Board (AAB) | AG Agent |

Recommendation of Enrollment

| Recommendation of Enrollment | County AAB |
|---|-------------------|
| <ul style="list-style-type: none">Forward application, Agreement, and memo of recommendation (accept or reject) from AAB to County Commission | County AAB |
| Acceptance/Rejection of Enrollment and Agreement | County Commission |
| <ul style="list-style-type: none">Letter to Landowner indicating AAB and County Commission Findings | AG Agent |
| If Accepted | |
| <ul style="list-style-type: none">Agreement to County Clerk/Record of Deeds for Recording. | AG Agent |
| If Denied | |
| <ul style="list-style-type: none">Letter to Applicant: denial and grounds | AG Agent or AAB |

Withdrawing from VAD Program

By Landowner

- | | |
|--|----------|
| • Form to County AAB requesting withdrawal | Enrollee |
| • Conservation Agreement Revocation Document | Enrollee |
| • Filing Fee (\$10) | Enrollee |

Verification of Documents

AG Agent

- | | |
|---|----------|
| • Forward memo and copy of documents to AAB and County Commission Consent item – receive as information | AG Agent |
| • Conservation Agreement Revocation Document forwarded to Record of Deeds revoking Agreement with filing fee (\$10) | AG Agent |

Steps to Withdraw from the VAD Program

➤ -AAB for Cause

| Activity | Responsibility |
|---|----------------|
| Withdrawing from VAD Program | |
| By AAB for Cause | |
| • Form to County AAB requesting removal - with documentation | AG Agent |
| • Letter to Landowner offering 'hearing before AAB" | AG Agent |
| • Completion of Conservation Agreement Revocation Document | AG Agent |
| • Hearing with Landowner for Consideration of Conservation Agreement Revocation Document | AAB |
| If Revocation proceeds | |
| • Forward memo and copy of documents County Commission Consent item – receive as information | AG Agent |
| • Conservation Agreement Revocation Document forwarded to Record of Deeds revoking Agreement with filing fee (\$10) | AG Agent |



Verification of VAD Eligibility

| Activity | Responsibility |
|--|----------------|
| Verification of VAD Eligibility | |
| <ul style="list-style-type: none">• Verify Engagement in Ag under NC GS 106-581.1 | AG Agent |
| If NOT eligible | |
| <ul style="list-style-type: none">• Proceed with Removal for cause above | AG Agent |
| <ul style="list-style-type: none">• Filing Fee (\$10) | |

Questions?

